NEWPORT BEACH ZONING ADMINISTRATOR MINUTES Council Chambers – 3300 Newport Boulevard Wednesday, February 15, 2012 REGULAR HEARING 3:30 p.m.

1. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator

Erin Steffen, Planning Technician Makana Nova, Assistant Planner

2. MINUTES of January 11, 2012

Action: Approved

3. PUBLIC HEARING ITEMS

The Cannery Generator - Minor Use Permit No. UP2011-035 (PA2011-218)
3010 Lafayette Road CD #1

Erin Steffen, Planning Technician, gave a brief overview of the application for a minor use permit to allow the installation of a standby emergency electrical generator at an existing restaurant. The purpose of the generator is to provide emergency power in the event of a disruption of commercial power due to a natural or manmade catastrophe. The generator will comply with all regulations outlined in Section 5.11.050.4 (Temporary Emergency Electrical Generator) of the Newport Beach Municipal Code. Staff clarified that the dimensions of the generator were incorrectly identified in the staff report and project plans. The dimensions should read 36 inches wide by 9 feet inches long by 4 feet 6 inches high. Staff also indicated the generator was approximately 40 feet from the nearest residential property.

The Zoning Administrator opened the public hearing. Kim Koch, applicant for the project, verified the dimensions and location of the generator and stated that the applicant understood and accepted all of the conditions of approval. There were no other public comments.

Zoning Administrator Wisneski stated that she agreed with the facts in support of the findings in the draft resolution, including those related to sound, hours of use, and screening. The Zoning Administrator approved the application and adopted the resolution.

Action: Approved

ITEM NO. 2 Sambazon Minor Use Permit - Minor Use Permit No. UP2012-001 (PA2012-004) 3138 Balboa Boulevard CD #1

Makana Nova, Assistant Planner, gave a brief overview of the application for a minor use permit to allow Sambazon Acaí Café, an eating and drinking establishment (food service, no late hours) serving health juices, smoothies, and healthy snacks. The gross floor area of the establishment is 998 square feet and the interior net public area will be 462 square feet. The establishment will provide a maximum of 32 interior seats. The requested hours of operation are from 7:00 a.m. to 11:00 p.m., daily. Alcohol service is not proposed as part of this request. Staff clarified the floor area limitations for eating and drinking establishments within The Landing Shopping Center and identified that the Gina's Pizza outdoor dining patio located at 3142 Balboa Boulevard would be reduced by 40 square feet to accommodate the gross floor area of the proposed restaurant. Due to the proposed scope of work for the Gina's Pizza outdoor dining patio, building permits may not be required for the removal of the hardscape patio. Thus, staff suggested revising

the condition to accommodate this situation and noted that a planting plan would be provided in place of a building permit.

The Zoning Administrator opened the public hearing. Steve Shepherd, contact for the project, verified that the applicant understood and accepted all of the conditions of approval. There were no other public comments.

Zoning Administrator Wisneski stated that she agreed with the facts in support of the findings in the draft resolution and added the following language to Condition No. 12 of the draft resolution, "If building permits are not required for the scope of work at 3142 Balboa Boulevard, a planting plan demonstrating the 40-square-foot reduction in the outdoor dining patio shall be submitted to the Planning Division prior to the issuance of building permits for 3138 Balboa Boulevard." The Zoning Administrator approved the application and adopted the resolution.

Action: Approved

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

None.

ADJOURNMENT - The hearing was adjourned at 3:43 p.m.